

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

JULY 9, 2009

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Cochran called the meeting to order at 9:00 a.m. in Conference Center Room 5 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(d).

Board Members Present:

David Dyer, D.C., Chairman
Charles Cochran, D.C., Vice Chair
John Bernzott, D.C.
Marian Klaes-Lanham, D.C.
David Davis, D.C.

Board Members Absent:

David Frischman, D.C.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Case Manager, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

COCHRAN/KLAES-LANHAM
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES AND EXECUTIVE SESSION FROM THE APRIL 2, 2009 OF THE BOARD

A motion was made and seconded to adopt the minutes, as presented, from the April 2, 2009 meeting of the Board.

KLAES-LANHAM/BERNZOTT
Motion carried 5-0-0

IV. APPEARANCES

A. PROBATIONARY

1. Wei Chen Yang, D.C., License No. 08001810A
Administrative Cause No. 2008 IBCE 0001

Dr. Yang appeared before the Board, as requested, regarding her probationary status. She was accompanied by her attorney, Bruce A. Morford. She reported things are going well and there is no change in her employment. Dr. Yang stated she has a cash business and is not using an outside billing service. She is still practicing acupuncture as well as chiropractic. The Board is pleased with her progress. Dr. Yang is to appear at the October 1, 2009 meeting.

B. RENEWAL

1. Duane Buschkoetter, D.C., License No. 08001388A

Dr. Buschkoetter appeared before the board, as requested, regarding his application for renewal of licensure past three years. Dr. Bushkoetter license expired on July 1, 2006. He was notified by an insurance company that his license was expired. Dr. Buschkoetter has been practicing during that time his license was expired. Dr. Buschkoetter has submitted his renewal, fee of \$150.00 and forty-eight (48) hours of continuing education as required. The Board was advised by counsel that they could file a consumer complaint against Dr. Buschkoetter for practicing without a valid license.

Board Action: A motion was made and seconded to renew Dr. Buschkoetter's chiropractic license.

BERNZOTT/DAVIS
Motion Carried 5-0-0

C. APPLICATION

1. Jeremy Michael Turley, D.C.

Dr. Turley appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Turley has successfully completed the law examination. Dr. Turley is a 2007 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Turley holds a license in Illinois.

Board Action: A motion was made and seconded to grant Dr. Turley a chiropractic license.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

2. Laura Joanne Akerson, D.C.

Dr. Akerson appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Akerson had a positive response to question 3 that asks "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?" and question 5B that asks "Have you ever been convicted of, plead guilty or nolo contendere to any offense, misdemeanor or felon in any state?" although she answered no to both questions. The State of Missouri notified Indiana of the probationary status of her Missouri license upon issuance. That probation has since been lifted. Dr. Akerson had charges filed against her in 1997 at the age of 19 for property damage, minor battery and obstructing justice. She was also charged with a DUI in 2002. Dr. Akerson has successfully completed the law examination. Dr. Kessler is a 2008 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Akerson holds a license in Missouri.

Board Action: A motion was made and seconded to grant Dr. Akerson a chiropractic license.

DAVIS/BERNZOTT
Motion carried 5-0-0

3. Joshua A. Coen, D.C.

Dr. Coen appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Coen has successfully completed the law examination. Dr. Coen is a 2008 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Coen does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Coen a chiropractic license.

DAVIS/COCHRAN
Motion carried 5-0-0

4. Brandon Dale Coleman, D.C.

Dr. Coleman appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Coleman has successfully completed the law examination. Dr. Coleman is a 2007 graduate of National University of Health Science and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Coleman does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Coleman a chiropractic license.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

5. Shelley Mary Coughlin, D.C.

Dr. Coughlin appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Coughlin has successfully completed the law examination. Dr. Coughlin is a 2009 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Coughlin does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Coughlin a chiropractic license.

BERNZOTT/COCHRAN
Motion carried 5-0-0

6. Ryan Lee Dailey, D.C.

Dr. Dailey appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Dailey has successfully completed the law examination. Dr. Dailey is a 2009 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Dailey does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Dailey a chiropractic license.

BERNZOTT/DAVIS
Motion carried 5-0-0

7. Amy Marie Holzer, D.C.

Dr. Holzer appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Holzer has successfully completed the law examination. Dr. Holzer is a 2009 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Holzer does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Holzer a chiropractic license.

KLAES-LANHAM/COCHRAN
Motion carried 5-0-0

8. Jeffrey Ronald McIntyre, D.C.

Dr. McIntyre appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. McIntyre has successfully completed the law examination. Dr. McIntyre is a 2008 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. McIntyre does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. McIntyre a chiropractic license.

COCHRAN/DAVIS
Motion carried 5-0-0

9. Thomas J. Morehead, D.C.

Dr. Morehead appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Morehead has successfully completed the law examination. Dr. Morehead is a 2004 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Morehead holds a license in Nebraska.

Board Action: A motion was made and seconded to grant Dr. Morehead a chiropractic license.

KLAES-LANHAM/BERNZOTT
Motion carried 5-0-0

10. Michael Rene O'Donnell, D.C.

Dr. O'Donnell appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. O'Donnell has successfully completed the law examination. Dr. O'Donnell had a positive response to question 5B that asks "Have you ever been convicted of, plead guilty or nolo contendere to any offense, misdemeanor or felon in any state?" Dr. O'Donnell stated he was cited with a DUI in July 2002. He has completed all court ordered requirements and paid his fine in full. Dr. O'Donnell is a 2009 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. O'Donnell does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. O'Donnell a chiropractic license.

KLAES-LANHAM/COCHRAN
Motion carried 5-0-0

11. Ryan Porterfield, D.C.

Dr. Porterfield appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Porterfield has successfully completed the law examination. Dr. Porterfield is a 2009 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Porterfield does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Porterfield a chiropractic license.

COCHRAN/KLAES-LANHAM
Motion carried 5-0-0

12. Amber D. Smith, D.C.

Dr. Smith appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Smith has successfully completed the law examination. Dr. Smith is a 2007 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Smith holds a license in Kentucky.

Board Action: A motion was made and seconded to grant Dr. Smith a chiropractic license.

DAVIS/BERNZOTT
Motion carried 5-0-0

V. APPEARANCE

Paul D. Powers, D.C.

University of Bridgeport College of Chiropractic
Division of Postgraduate and Continuing Education

Dr. Powers appeared before the Board with Dr. James Pucka to discuss his distant learning continuing education programs for chiropractors. With his rule recommendation a petition was submitted of chiropractors who have requested that rules be changed adopted for distant learning continuing education.

Dr. Powers explained his program in full and requested the board to consider making the changes required for distance learning continuing education. The Board stated they would take his recommendations under advisement.

VI. ADMINISTRATIVE HEARINGS

A. Horng Yuan Shao, D.C.

Administrative Cause No. 2007 IBCE 0002

License No. 08001807A

Re: Request for Lift of Probation

Parties and Counsel Present:

Respondent was present

Robert W. Hammerle, Counsel for the Respondent

Heather Kennedy, Deputy Attorney General for the State of Indiana

Felicia Warren, Court Reporter

Participating Board Members:

Dr. Dyer (Hearing Officer)

Dr. Cochran

Dr. Klaes-Lanham

Dr. Bernzott

Dr. Davis

Case Summary: The Respondent appeared with Mr. Hammerle to consider his Verified Motion to Terminate Probation. Mr. Hammerle presented a court order from the United States District Court for the Southern District of Indiana dated December 18, 2008 discharging the Respondent from his federal probation to the Board. Dr. Shao has complied with the federal court rules and regulations of probation and that he was no longer in need of supervision. Mr. Hammerle stated that he is requesting the Board to terminate Respondent's probation to mirror the order of the Federal Court. Respondent intends to move to Texas, where his wife currently lives, and apply for a license to practice chiropractic medicine in that state. Respondent has complied with all terms and conditions of his probation. The State did not object to the termination of probation.

Board Action: A motion was made and seconded to grant Dr. Shao's Verified Motion to Terminate Probation and terminate his probation. .

BERNZOTT/KLAES-LANHAM

Motion carried 5-0-0

VII. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VIII. NOTICE OF PROPOSED DEFAULT

There was no notice of proposed defaults before the Board.

IX. OLD/NEW BUSINESS

There was no old/new business.

X. DISCUSSION

Ms. Vaught discussed the statutory changes which occurred during the 2009 Legislative Session.

IC 25-1-15 – Added anew chapter which exempts health care practitioners who are licensed in other states from the licensing requirements in Indiana if they are traveling with an athletic or sports organization that is in Indiana for a particular sporting event and the health care practitioner will be in Indiana for 30 days or less.

IC 25-1-9-21 – Added a new section which allows all health-related boards to adopt administrative rules to establish requirements, for the management and disposition of health records, on the discontinuation of practice by sale, transfer, closure, disciplinary action, retirement, or death of a health care practitioner.

IC 25-1-4-0.5 – Amended the definition of “continuing education” to allow boards and commissions to determine “activities” outside of traditional classroom instruction that can qualify as continuing education.

IC 25-1-4-0.7 – Added a new section that deals with how we serve notice to licenses that they have been selected for a CE Audit and how we calculate time for their document submissions.

IC 25-1-4-5 – Clarifies that we send CE audit notifications to the last address of record for a licensee. Changes the word “receipt” to “service” in four locations to make it clear that service of notice of CE audit information is adequate as opposed to actual receipt of the notice by the licensee.

XI. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications to review.

B. Examination Applications

There were no examination applications to review.

C. Temporary Permits

There were no temporary permits to review.

D. Professional Corporation Applications

There were no Professional Corporation applications to review.

XII. PROBATIONARY REPORT

A. Todd Posar, D.C., License Number 08000789A

Dr. Posar reported that he was no longer employed in Kokomo, Indiana as of April 2009. He reported the he was filling in for Dr. John Morgan, located in Hammond, Indiana on May 28, 29, 30 and June 2, 2009. Dr. Posar is scheduled for his next probationary appearance on October 1, 2009.

XIII. CONTINUING EDUCATION

There was no continuing education to review.

XIV. REPORTS

A. Indiana State Chiropractic Association

Pat McGuffey spoke on behalf of the Association. She reported on the legislative special session and the results of what they were working on during the session.

Ms. McGuffey has suggested the following changes to the continuing education administrative rules.

1. Practitioners be required to complete twelve (12) of the required twenty-four (24) hours with an Indiana State Association.
2. Twelve (12) hours of continuing education be completed within each year of the renewal cycle and not accept all twenty-four (24) hours completed within the same year.
3. Possibly raising the amount of continuing education required.

The Board requested Ms. McGuffey to submit to the Board a proposed set of rules of the changes requested for review at their next scheduled meeting.

Dr. Woods, International Chiropractors Association of Indiana, agreed with Ms. McGuffey regarding the recommended changes.

B. International Chiropractors Association of Indiana

Dr. Woods spoke of his concern regarding the required record keeping for practitioners.

C. Consumer Complaints

There was no report given on consumer complaints.

D. Continuing Education

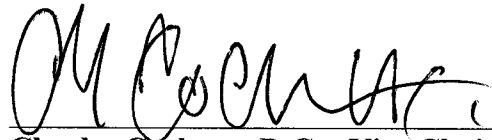
There was no report given on continuing education.

XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 1:00 p.m.

David Dyer, D.C. - Chairman

Date



Charles Cochran, D.C. - Vice Chairman

10-1-~~10~~09
Date

